

BOARD OF SELECTMEN
June 8, 2004

The Board of Selectmen held its regularly scheduled meeting Tuesday, June 8, 2004 in Conference Room A with four Selectmen present. Selectman Weaver absent.

6:42 Meeting called to order.

6:44 Executive Session

Selectman Barletta moved, Selectman Wile seconded and it was voted on a roll call vote to go into Executive Session with four Selectmen, the Town Administrator, under MGL Ch39 §23B for reason #2, to consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual, for reason # 3 to discuss strategy with respect to collective litigation and for reason #6, to consider the purchase, exchange, taking or value of real property and return to Public Session until approximately 7:15 PM or 7:30 PM. Vote 4-0.

EXECUTIVE
SESSION

Minutes of Executive Session typed and filed.

7:11 Chairman Tieri explained that the Board was reconvening in Open Session at the request of Frederick H. Tarr III under MGL Ch39 §23B; to hear complaints or charges brought against a public officer, employee, staff member or individual. She stated that it had been reported that he, Frederick H. Tarr III, acting in a public capacity as a member of the Conservation Commission made extremely inappropriate comments to attendees at a public meeting. Mrs. Joan Kelly wrote a letter to the Board of Selectmen dated May 27, 2004 stating that at a meeting of the Conservation Commission held on May 19, 2004 during a hearing concerning the demolition of 11 Beach Street that he (Frederick H. Tarr) suggested "bringing back the death penalty". Josh O'Dell Gloucester Daily Times reporter wrote, "Tarr said that the Commission should consult Town Counsel to see if legal action could be brought against Battistelli and those behind the project and he suggested that neighbors do the same." and continued in the same article that Tarr sees the demolition of the house as 'a slap in the face. It's like if anyone comes to Rockport with a little money, then everyone just grabs at it.'" Chairman Tieri as an attendee of the meeting heard Mr. Tarr loudly encourage neighbors to "hire a hungry lawyer" as retribution to the demolition contractor, Mr. Alan Battistelli. Chairman Tieri then allowed Mr. Tarr to state his case.

FREDERICK
H. TARR III

Mr. Tarr responded that he has received numerous abusive calls from Mrs. Joan Kelly. He stated that the quote of the "death penalty" was made as a facetious comment to get a laugh from the crowd and bring levity to the situation. Mr. Tarr did not think the comment about hiring a hungry lawyer was inappropriate, he felt if the neighbors are upset they should hire a lawyer.

Chairman Tieri asked the Board if it wanted to pursue further action or not.

Selectman Clark moved, Chairman Tieri seconded to schedule a Public Hearing on the removal for cause of a Conservation Commission member. Vote 4-0.

HEARING
SCHEDULED

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Prior to voting on the motion the Board discussed reasons for and against a public hearing. The Town Administrator explained that a Public Hearing opens the process to the public to testify to good qualities as well as other incidents that have happened. Mr. Tarr will be made aware of all charges prior to the public hearing.

7:26 Pledge of Allegiance and Moment of Silence

7:28 Approval of Minutes of May 25, 2004, including Executive Session and June 1, 2004

MINUTES

Selectman Clark moved, Selectman Wile seconded to accept the minutes of May 25, 2004 as amended, accept the minutes of June 1, 2004 and the Executive Session Minutes of May 25, 2004 as typed. Vote 4-0.

7:32 Town Administrator's Report

Legal Update:

SEMINAR
SCHEDULED

The Town Administrator announced that Town Counsel had scheduled a seminar regarding the process of running public hearings and public meetings on June 23rd at the new Police Station. The public as well as all Boards, Committees and Commissions are encouraged to attend.

CHAPTER 40B

The letters regarding the two Chapter 40B projects have been sent to MassHousing prior to the deadlines.

Activities Report:

FY04 BUDGET

The Town Administrator explained that he has been monitoring the budget as the fiscal year is ending. There may be some unforeseen expenses which will require reserve fund transfers. The DPW is anticipating a shortage in fuel, light and power because of the higher costs of energy. The School Department is also close, but there are hopes that they will have sufficient monies to finish out the fiscal year. The Town Administrator stated that he would review fuel cost to determine if the next year's budget needs to be adjusted to allow for the increase of fuel costs.

PLEASANT
STREET

There is now a certified plan of the Pleasant Street lot. The Town is still waiting on legislation to okay the expenditure of funds to clean up the lot. The Conservation Commission has asked for a new Notice of Intent for the remediation work done on the property.

GOALS AND
OBJECTIVES

7:42 Chairman Tieri announced that the meeting was ahead of schedule and suggested that the Board review its goals and objectives for the next year. The Board reviewed its list and determined what had been substantial completed and could be removed, what was ongoing and what had not yet been accomplished. Chairman Tieri asked that Board members requesting new items to be added to the list bring them to the attention of the Board at its next workshop meeting.

7:57 Open Session

ALAN
BATTISTELLI

Alex McKenzie, 4 North Road, Suzanne Geoffrey, 5 King Street and Jim Cole, 30 King Street spoke against the reappointment of Alan Battistelli to the Zoning Board of Appeals. The Town Administrator stated that a letter had been received from Alan

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Battistelli explaining that due to a severe case of laryngitis he would be unable to keep his appointment at 8:35 PM and requested that it be rescheduled.

CANCELLED

Chairman Tieri reminded those present that the Board as a policy nominates members for committee appointments one meeting and then appoints at it's next regularly scheduled meeting.

BOARD'S
POLICY

Alan MacMillian, 42 Mt. Pleasant Street, asked why a member of the Conservation Commission had been brought into Executive Session for inappropriate behavior, yet the Board had done nothing in regards to Mr. Battistelli's actions. Chairman Tieri responded that the process is ongoing and has not yet been completed.

ALAN
BATTISTELLI

Toby Arsenian, Granite Street, stated that an incomplete Harbor Plan had been accepted by the Board of Selectmen that does not address the Chapter 91 issues. He appealed to the Board to address issues with the first stage of the plan prior to launching the second stage of the plan.

HARBOR
PLAN

8:02 Recess

8:15 Town Administrator's Report Continued

FY03 Audit Exit Interview – Guisti & Hingston:

Dick Hingston reviewed highlights of the FY03 audit with the Board. He explained that things have improved. In FY02 there were several material weaknesses in the Town, this year there were no material weaknesses. Since weaknesses were corrected he was able to look at other areas that could be improved upon. Highlights of this years audit included implementation of enterprise funding, separation of expenditures for water and sewer, reconciliation of ledger in a timely manner, posting of betterment payments between the Assessors, Treasurer and the Accountant, deficits in the police detail account, distinctions between grant work payroll at the School Department and compliance with GASB 34. Mr. Hingston also explained the Financial Statement for June 30, 2003 which had three distinct sections: discussion on management analyzing positive and negative variances over the years, a statement of activity showing the functions of government with three columns: expenses, revenues generated, and taxes, which was new this year and a third section showing the budgets vs. actuals statement.

FY03
AUDIT

8:50 Chairman Tieri announced that the Zoning Board of Appeals Re-appointment Interview had been cancelled due to illness and would be rescheduled.

CANCELLED

Action List

Chamber of Commerce – Request to place info booth at Dock Square:

Steve VanDerweken, President, Rockport Chamber of Commerce, presented the Board with a picture of a small portable shed that could be moved after the season and stored elsewhere. He proposed that the shed be placed at Dock Square and serve as an information booth in the downtown area to accommodate visitors. Mr. VanDerweken's second choice for placement of the booth would be Barletta Park.

INFORMATION
BOOTH

Selectman Wile pointed out that Barletta Park was where the original Board of Trade was located, and historically it would be in keeping with what was originally there.

BARLETTA
PARK

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BEAUTIFICATION
COMMITTEE

Bill Rudolph, Beautification Committee member explained that the Beautification Committee was working on plans to beautify Dock Square with planters to bring some color to the area. The Committee did not object to the placement of the booth in Dock Square, so long as it was removed from the planting areas.

BARLETTA
PARK

Holly O'Connor, Director Rockport Chamber of Commerce, thought that Barletta Park was the better location because of safety concerns. She asked the Board of Selectmen to consider bagging the parking meters in that area for Chamber use only to make it more convenient for visitors.

LEASE FEES

Toby Arsenian, Granite Street, asked if the Town would be charging the Chamber for the use the land seasonally. A member of the audience also questioned if the Board would consider leasing Town owned property in the downtown area to other private organizations.

APPROVED

Selectman Clark moved, Selectman Wile seconded to approve the Chamber of Commerce request to place a staffed information booth on Town property at Barletta Park on a one-year trial basis until October 15, 2004 the price to be worked out at a later time and the location in Barletta Park to be worked out with the DPW. Vote 4-0.

9:05 Public Hearing

Petition – Old Garden Beach Association – Resident Only Parking:

OPENED

Selectman Clark moved, Selectman Barletta seconded to open the Public Hearing. Vote 4-0.

PARKING
RESTRICTIONS

Richard Morris, 10 Babcock Road, asked that the Board consider restricting parking that reads "Resident Sticker Parking Only – March 15 through November 15" on the following streets: Atlantic Avenue between Norwood Avenue and Caleb's Lane, Babcock Road between Wallace Road and Old Garden Road, Dean Road between South Street and Old Garden Road, Smith Road between South Street and Old Garden Road, Norwood Avenue between Clark Avenue and Old Garden Road, and Burt Avenue between Marbee Circle and Atlantic Avenue. He explained that there are numerous diver classes taking place simultaneously at Old Garden Beach and the only way to limit the numbers of people are to enforce stricter parking regulations in the area. He thought 100 divers were too many at a time for the small beach.

SUB
COMMITTEE
& TRAFFIC
COMMITTEE
REVIEW

The Town Administrator explained that a sub-committee had been formed to research the problem of large numbers of divers at the beaches. Portions of the roads listed on the petition already have restrictions. He stated that he would request that the DPW and Chief of Police review the list of roads and the list of old and new restrictions and come up with recommendations for new parking restrictions.

Steve VanDerwerken 22, Broadway, pointed out that visitors have as many rights as residents to visit the beaches. If people park illegally in resident only lots then they should be towed.

Carol Delaney, 6 Norwood Ave., stated that the sub-committee explored the process of charging fees for the use of the beaches by diving classes but liability would be cost

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prohibitive for the Town. She stated that Town Counsel said the best way to limit numbers would be to restrict parking.

Ms. Carlson, 8R Granite Street, explained that the problem with beaches being overrun with divers is not unique to Old Garden, the same problem exists at Back Beach.

Mike Caffi, 10 Allen Avenue, stated that parking has become a safety concern in the area. With cars parked on both sides of the street there is not sufficient space for emergency vehicles to pass.

PUBLIC
COMMENTS

Ann Sheinwald, Broadway, encouraged more people to use the Park and Ride Lot. She wanted the trolley service to be extended to Rockport Beaches to help alleviate the parking problem.

Mr. Mellen, 38 Atlantic, pointed out that divers use the beaches at different times than other visitors. They start to come at about 5:00 AM and are usually gone by 10:00 AM. He proposed that the regulations be changed to accommodate when the divers are there. Divers also have different needs than other visitors because of cumbersome equipment. They want to be close to dive sites and would not be able to use things like the Park and Ride lot.

9:37 Selectman Barletta moved, Selectman Wile seconded to close the Public hearing. Vote 4-0.

CLOSED

It was the consensus of the Board that at its next regularly scheduled meeting on June 22, 2004 the Traffic Committee would make a recommendation to resolve the parking situation in the Old Garden Beach area.

CONSENSUS

Action List Continues:

Long Beach Regulations:

The Town Administrator explained that the changes recommended by the Board of Selectmen had been incorporated into the latest version of Long Beach Regulations.

LONG BEACH
REGULATIONS

Selectman Clark moved, Selectman Barletta seconded to adopt the recommendations of the Long Beach Regulations Committee with the changes as suggested by the Board at its last regular meeting on May 25, 2004, and have them republished. Vote 4-0.

ADOPTED

It was pointed out that these regulations might be amended in the future if Long Beach Residents have new suggestions for inclusion.

9:43 Award Bid for New Ambulance:

Selectman Clark moved, Selectman Barletta seconded to award the bid for a new Ambulance to Yankee Fire and Rescue, Inc. of Palmer, MA, for the sum of \$94,867 after trade-in allowance and authorize the Town Administrator to execute the necessary contract documents. Vote 4-0.

AWARDED

Other Announcement/Business:

Selectman Barletta stated that he attended a Conservation Commission meeting where George Robertson, Senior Field Coordinator, was in attendance and it was confirmed that

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the Conservation Commission has developed a policy where routine repairs & maintenance done by the DPW on Penzance Road at Pebble Beach and the Cape Hedge Beach Parking Lot will only require a letter to the Conservation Commission.

Selectman Barletta announced that he attended the annual meeting of the Essex County Selectmen's Association and A.J. Paglia, a Selectman in Rowley, was elected the new president.

Chairman Tieri told Selectman Barletta that she had been remiss in not requesting a self-evaluation of the Town Administrator. She explained that she followed what was in his contract for the review process. In the past a self-evaluation was completed and the Town Administrator has agreed to do a new one this year. The self-evaluation will go home to the Board prior to any new contract negotiations.

Selectman Barletta requested that a sign be replaced in the area of Country Club Road warning of a blind curve. The Town Administrator explained he has brought the issue to the DPW Director in the past. It was determined that Selectman Barletta as DPW liaison would bring the matter to the DPW directly for resolution.

The following items were signed: 1) Long Beach Lease transfer from Michael & Anna Falco to 69 Long Beach Boulevard Realty Trust, c/o Michael & Anna Falco 2) General License renewal for operation of a Laundromat for Claire Hobbs, LOCO-MOTION 3) General License to tell fortunes for Mary Ellen Oliver, THE TAROT SHOP 4) Home Occupation Permit for Mary D. York, 35 King Street, to arrange and deliver flowers for events.

Warrants were signed for Payroll and Expenses for the week of June 1, 2004 in the amounts of \$72,414.13 and \$301,036.60 respectively and for the week of June 10, 2004 in the amounts of \$1,372,080.38 and \$354,887.76 respectively.

9:50 Selectman Clark moved, Selectman Wile seconded to adjourn.

ESSEX
COUNTY
SELECTMEN'S
ASSOCIATION

SELF-
EVALUATION

IN
QUEST

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ID

WARRANTS